



Division of Environment
Bureau of Environmental Field Services

ENVIRONMENTAL BENEFIT STATEMENT

Pursuant to K.S.A. 77-416, and amendments hereto

PROPOSED AMENDMENT TO LIVESTOCK WASTE MANAGEMENT REGULATIONS:

K.A.R. 28-18-1, K.A.R. 28-18-14, K.A.R. 28-18-16, K.A.R. 28-18-17, and K.A.R. 28-18a-24

August 9, 2021

Executive Summary of Amended Regulations

K.S.A. 65-171d authorizes the Secretary of the Kansas Department of Health and Environment to make rules and regulations to protect the soil and waters of the state from pollution and adopt by reference any regulation relating to water quality and effluent standards promulgated by the federal government pursuant to the provisions of the federal clean water act.

The Livestock Waste Management Program is based upon statutes and regulations addressing general water pollution and specific statutes and regulations addressing water pollution from confined feeding facilities. Kansas statutes establishing requirements for confined feeding facilities were created in the late 1960's. In the 1990's the statutes and regulations underwent significant revisions primarily addressing location requirements and swine feeding operations. The statutes divided the requirements into portions specific to swine and other portions applying to all other confined feeding operations.

The Kansas statutes and regulations require a water pollution control permit if a facility 1) has a significant potential to pollute surface waters or groundwater of the state, or 2) collects or stores wastewater, or 3) required by the US EPA, generally if the capacity of the facility or feedlot is over 1,000 animal units (the term animal unit is defined in statute, K.S.A. 65-171d).

These proposed amended regulations reflect modifications to update to current regulation language, update cited data criteria, provide uniform inspection requirements, allow use of updated delivery methods for report submissions from the regulated community, and corrects existing reference error. The modifications do not directly provide any environmental benefit.

K.A.R. 28-18-1. Definitions. Definitions have been updated to current regulation language; adds the defined term 'authorized representative'; updates sections of Equus Beds according to the order signed July 7, 2017 expanding the boundaries of the Equus Beds Groundwater Management District No. 2.; clarifies the defined term significant water pollution potential; updates referenced regulations used to define water quality standards.

K.A.R. 28-18-14. Inspections. Updated to current regulatory language and modified to provide uniform requirements for inspections at all confined feeding facilities regardless of animal type.

K.A.R. 28-18-16. Waste-retention lagoon or pond closure requirements. Updated to current regulatory language and allow regulated community to electronically submit waste-retention lagoon or pond closure reports.

K.A.R. 28-18-17. Groundwater protection requirements for waste-retention lagoons or ponds and waste treatment facilities. Updated to current regulatory language and allows regulated community to electronically submit seepage analysis reports.

K.A.R. 28-18a-24. Financial assurance for swine waste-retention lagoon or pond closure. Amendment corrects an error referencing K.A.R. 28-18-22(d) which does not exist.

I. Environmental Benefit Statement

1) Need for proposed amendments and environmental benefit likely to accrue.

a) Need.

There is no environmental need for the proposed amendments.

b) Environmental benefit

The proposed amendments provide no direct environmental benefit.

2) When applicable, a summary of the research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rules and regulations or amendment.

This section is not applicable.

3) If specific contaminants are to be controlled by the proposed regulations or amendment, a description indicating the level at which the contaminants are considered harmful according to current available research.

This section is not applicable.